

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ADVANCE CABLE COMPANY, LLC, and
PINEHURST COMMERCIAL INVESTMENTS, LLC,

Plaintiffs,

OPINION AND ORDER

v.

13-cv-229-wmc

THE CINCINNATI INSURANCE COMPANY,

Defendant.

Plaintiffs' amended complaint still fails to properly allege diversity jurisdiction. The complaint alleges that the citizenship of plaintiffs Advance Cable Company, LLC and Pinehurst Commercial Investment, LLC is determined by their sole member, Mike Larson. The complaint goes on to allege that Mike Larson "resides at 3004 Sunrise Court, Middleton, Wisconsin 53562." Though Larson's residence and domicile are likely the same in this case, the Seventh Circuit Court of Appeals has repeatedly emphasized that district courts must insist on technically correct allegations of jurisdiction. Strictly speaking, plaintiffs must allege Mr. Larson's domicile, rather than his residence. See *Winforge, Inc. v. Coachmen Indus., Inc.*, 691 F.3d 856, 867 (7th Cir. 2012) ("An allegation of residence is not sufficient to establish citizenship, which requires domicile."). A person's domicile is "the state in which a person intends to live over the long run." *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012).

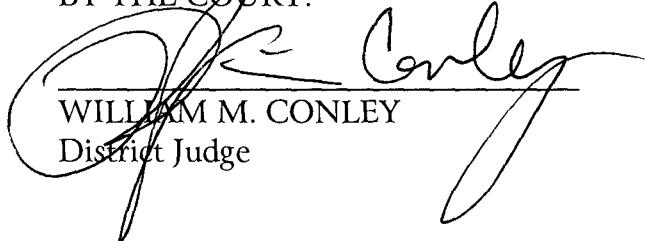
ORDER

IT IS ORDERED that:

- 1) plaintiffs shall have until May 17, 2013, to file and serve an amended complaint containing good faith allegations sufficient to establish complete diversity of citizenship for purposes of determining subject matter jurisdiction under 28 U.S.C. § 1332; and
- 2) failure to amend timely shall result in prompt dismissal of this matter for lack of subject matter jurisdiction.

Entered this 10th day of May, 2013.

BY THE COURT:


WILLIAM M. CONLEY
District Judge